

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

KATRINA DANIELLE MATEEN

PLAINTIFF

VS

CIVIL ACTION NO.: 1:23-cv-00306-TBM-RPM

CITY OF GULFPORT, No. 1., is being sued in their (sic) official capacity
As the governing body for the City of Gulfport, Mississippi, located at
2309 15th Street, in Gulfport, Mississippi 39501 for protecting then
Officer/but now Sergeant Kenneth Nassar who shot and killed Jaheim
McMillan, on October 6, 2022, at the Family Dollar Store, located at
1016 Pass Road, in Gulfport, Mississippi 39501

AND

KENNETH NASSAR, No. 2, is being sued in his individual capacity
As Officer/but now Sergeant and was at all time relevant to these
Proceedings was employed by the Gulfport Police Department,
Located at 2220 15th Street, in Gulfport, Mississippi, 39501, while
Working under the color of state law at the time the Defendant shot
And killed Jaheim McMillan, on October 6, 2022, at the Family Dollar
Store, located at 1016 Pass Road, in Gulfport, Mississippi 39501

DEFENDANTS

**RESPONSE TO PLAINTIFF'S "MOTION IN LIMINE TO QUASH AND STRIKE THE
SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION" [DOC. 75]**

COMES NOW the City of Gulfport, Mississippi ("City"), by and through undersigned
counsel and files this its response to a document that Plaintiff, Katrina Mateen ("Plaintiff")
purportedly caused to be filed in this cause entitled "Motion in Limine to Quash and Strike the
Subpoena to Testify at a Deposition in a Civil Action" [Doc. 75]," and in support of same would
show as follows, to-wit:

I.

On August 2, 2024, the City of Gulfport filed its "Notice of Deposition" [Doc 70], setting
the deposition of Larry Jones for August 21, 2024.

II.

On August 8, 2024, this Honorable Court entered its “Memorandum Opinion and Order” [Doc 71] dismissing the City of Gulfport from this matter.

III.

On August 12, 2024, the Plaintiff filed the subject document entitled “Motion in Limine to Quash and Strike the Subpoena to Testify at a Deposition in a Civil Action” [Doc 75].

IV.

On August 19, 2024, and in view of its dismissal, the City of Gulfport filed a “Notice of Cancellation of Deposition” [Doc. 77] with regard to the deposition of Larry Jones. In view of this cancellation, Plaintiff’s purported “Motion” [Doc. 75] is now moot.

WHEREFORE, the City of Gulfport, Mississippi, having been dismissed with prejudice from this matter, respectfully requests that this Honorable Court issue an Order denying Plaintiff’s “Motion” [Doc 75] in its entirety as well as awarding the City all relief, equitable or otherwise, to which it may be entitled as related thereto.

RESPECTFULLY SUBMITTED, this the 19th day of August, 2024.

CITY OF GULFPORT, MISSISSIPPI

By: s/ Jeffrey S. Bruni, Esq.
JEFFREY S. BRUNI, ESQ.
MS Bar License No. 9573

CERTIFICATE OF SERVICE

I, Jeffrey S. Bruni, Esq., Attorney for the City of Gulfport, Mississippi, do hereby certify that I have on this date electronically filed the above and foregoing document with the Clerk of the Court using the ECF/MEC system, and will forward it via US Postal Service to the Plaintiff, Katrina Mateen, 12069 George Street, Gulfport, Mississippi 39503 and to all counsel of record who have made an appearance in this matter.

This the 19th day of August, 2024.

s/ Jeffrey S. Bruni

JEFFREY S. BRUNI

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